

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT HIGH COURT MAITAMA –ABUJA**

**BEFORE: HIS LORDSHIP HON. JUSTICE S.U. BATURE**

**COURT CLERKS: JAMILA OMEKE & ORS**

**COURT NUMBER: HIGH COURT NO. 24**

**CASE NUMBER: SUIT NO. FCT/HC/CR/553/2021**

**DATE: 23/3/2022**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA.....CLAIMANT**

**AND**

**OKHIFO BENEDICT.....DEFENDANT**

**APPEARANCE:**

Defendant in Court.

Samuel Chime Esq for the Prosecution.

S. T. Sanni Esq for the Defendant.

**JUDGMENT**

Prosecution Counsel: The matter is for arraignment. We have an amended charge and a Plea bargain and agreement. We humbly apply for the amended charge to be read to the Defendant for his Plea to be taken.

Defence Counsel: We are ready.

Court: The amended charged read to the hearing of the Defendant.

Defendant do you understand the amended charge?

Defendant: Yes, I understand the amended charge.

Court: The Prosecution has informed the Court that you entered into a plea agreement.

Defendant: Yes, I am aware of the terms of the plea bargain agreement. I entered into it voluntarily.

Court: How do you plead to the amended charge?

Defendant: Guilty.

Prosecution Counsel: Having pleaded guilty, we apply that the Defendant be convicted based on the plea bargain agreement dated 7/03/2022.

Defence Counsel: Indeed the Defendant approached the Prosecution for a Plea bargain. So that is the position.

### **CONVICTION**

The Court is satisfied that the Defendant entered into the plea bargain agreement voluntarily. Consequently therefore, the Defendant having pleaded guilty to the amended charge, he is hereby convicted for the offence of cheating contrary to Section 320 and punishable under Section 322 of the Penal Code Law Cap 52, LFN, 2004 (Abuja).

### **ALLOCUTUS**

Defence Counsel: The Convict is a first offender. He was very co-operative with the commission as he has refunded the proceeds of Crime back to the commission. He has shown remorse and has learnt a bitter lesson at that. He is an orphan. Lastly, we plead to the conscience of the Court. My lord we urge the Court to temper justice with mercy to reduce the amount as he is unable to raise the funds.

Convict: I am now a charged person.

Prosecution Counsel: It is a Policy in our office. But, we leave it to the discretion of the Court. But, we do not want it to be so minimal. We want him to learn his lesson.

### **SENTENCE**

In passing this sentence, I've considered the Convict's allocutus and the passionate plea made by the learned Defence Counsel on behalf of the convict, and the plea bargain agreement as well as the Application for reduction of the fine, the reason given and the response of the Learned prosecuting Counsel in that regard;

Therefore since the convict has shown remorse for his actions and has co-operated with the Prosecution and has refunded the proceeds of crime, I hereby sentence the convict to Six months imprisonment or to pay a fine of ₦300,000.00.

***Signed:***

***Hon. Justice S. U. Bature  
23/3/2022.***